

Defendant.

**MEMORANDUM OPINION AND ORDER GRANTING
DEFENDANT’S SUMMARY JUDGMENT MOTION
ON THE AGE DISCRIMINATION CLAIM**

It is undisputed that the Plaintiff was 61 years old when he was hired by the Defendant. The Plaintiff's employment was terminated by the Defendant on February 24, 2004, as part of the Defendant's legitimate reduction in force ("RIF"). The Plaintiff's position has been entirely eliminated. The Plaintiff was one of 25 employees terminated during the RIF. At least three of the employees terminated were under that age of forty. The Defendant's official who made the decision to terminate the Plaintiff was 52 years old.

Under these undisputed facts, the Defendant is entitled to judgment as a matter of law. *See, Early v. Champion Int'l Corp.*, 907 F.2d 1077 (11th Cir. 1990).

The Defendant's Motion for Summary Judgment on the age discrimination claim is hereby GRANTED.

Done the 13th day of March, 2006.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written over a horizontal line.

U.W. Clemon
Chief United States District Judge